IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

Crl.Rev.Pet.No. 895 of 1999()

CRA.83/1997 of ADDL.SESSIONS COURT-II, KOZHIKODE dt.13.03.99
CC.383/1994 of JUDL. MAGISTRATE OF FIRST CLASS-I, KOZHIKODE dt.7.5.97.

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REVN. PETITIONER: APPELLANT/ ACCUSED

ABBAS, S/O.USMAN, PATTARTHODU HOUSE,
PAYYANAKKAL AMSOM, KOZHIKODE TALUK.

BY ADV. SRI.SUNNY MATHEW

RESPONDENT: RESPONDENT. COMPLAINANT

THE SUB INSPECTOR OF POLICE,
TOWN POLICE STATION, REP.BY
THE PUBLIC PROSECUTOR , HIGH COURT OF KERALA AT ERNAKULAM

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 03/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.RP. 895/1999

ORDER ON CRL.MP./ 4159/1999 IN CRL.RP. 895/1999

DISMISSED

03.07.2007 **SD/- K.R.UDAYABHANU, JUDGE**

/TRUE COPY/

P.S. TO JUDGE

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K.R. UDAYABHANU, J.

Crl. R.P. No.895 of 1999

Dated 3rd July, 2007

ORDER

The revision petitioner/A1 stands convicted for the offence under section 380 read with 34 IPC and sentenced to undergo R.I for one year.

2. The prosecution case is that on 23-1-94 at about 3 a.m in the night, the accused with the intention to commit theft, trespassed into the compound of `Hifthu furniture' owned by CW1/PW1 at Halwa bazar at Kozhikode and attempted to commit theft of teak wood logs. Logs worth Rs.8500/- were recovered on the basis of disclosure statement of the revision petitioner.

3. Counsel for the revision petitioner has only sought for modification of the sentence pointing out that the incident has taken place in January, 1994 and the accused has been facing criminal proceedings so far. It is submitted that he has no criminal antecedents.

3. In the circumstances and considering the fact that almost 13 years have elapsed since the commencement of the proceedings, I find that the sentence can be modified. Hence, the sentence is modified to imprisonment till the rosing of the court and to pay a fine of Rs.5000/- and in default to undergo simple imprisonment for two months.

The Crl.R P is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE.

Kvm/-

K.R.UDAYABHANU, J.

CRL.R.P. NO..895 of 1999

ORDER

3-7-2007.